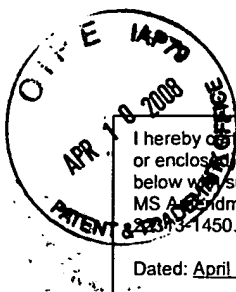


<b>AMENDMENT TRANSMITTAL LETTER</b>				Docket No. CDPC-P01-003	
Application No. 10/727,118	Filing Date December 2, 2003	Examiner P. B. Nguyen	Art Unit 2616		
Applicant(s): Jeffrey J. Fitzgerald					
Invention: ETHERNET NETWORK AVAILABILITY					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
<b>Total Claims</b>	19	- 20 =	0	x	0.00
<b>Independent Claims</b>	3	- 3 =	0	x	0.00
<b>Multiple Dependent Claims (check if applicable)</b> <input type="checkbox"/>					
<b>Other fee (please specify):</b> Extension for response within third month					525.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					525.00
<input type="checkbox"/> Large Entity <span style="margin-left: 200px;"><input checked="" type="checkbox"/> Small Entity</span>					
<input type="checkbox"/> No additional fee is required for this amendment.					
<input checked="" type="checkbox"/> Please charge Deposit Account No. <u>18-1945</u> in the amount of \$ <u>525.00</u> . A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>18-1945</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
<div style="text-align: right;"> _____ Tushar Parlikar Attorney/Agent Reg. No.: 61,715  ROPES &amp; GRAY LLP One International Place Boston, Massachusetts 02110 (617) 951-7000</div>				Dated: <u>April 7, 2008</u>	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.					
Dated: <u>April 7, 2008</u>		Signature:  (Lisa Ann Ruggeri)			



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 7, 2008

Signature: 

(Use Ann Ruggen)

Docket No.: CDPC-P01-003  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jeffrey J. Fitzgerald

Application No.: 10/727,118

Confirmation No.: 4402

Filed: December 2, 2003

Art Unit: 2616

For: ETHERNET NETWORK AVAILABILITY

Examiner: P. B. Nguyen

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated October 5, 2007, please amend the above-identified U.S. patent application as indicated below. A Petition for Extension of Time under 37 C.F.R. § 1.136 is filed concurrently herewith, extending the time for response by six months to April 5, 2008.

**Amendments to the Specification** begin on Page 3.

**Amendments to the Claims** are reflected in the listing of claims which begins on Page 4.

**Amendments to the Drawings** begin on Page 7 and include both an attached replacement sheet and an annotated sheet showing changes.

**Remarks/Arguments** begin on page 8 of this paper.